

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOLORES VALENZUELA, et al.,
Plaintiffs,
v.
BEST-LINE SHADES, INC., et al.,
Defendants.

Case No. 3:19-cv-07293-JSC

ORDER TO SHOW CAUSE

Plaintiffs Dolores Valenzuela, Adela Flores, and Raymunda Menjivar filed this wage and hour class and collective action against their former employer Best-Line Shades, Inc., Best-Line, Inc., and its owner and president Jill Schaffer, seeking to recover unpaid wages and penalties under the Fair Labor Standards Act (FLSA) and California labor laws. On August 10, 2021, the Court granted Plaintiffs' motion for certification of a class and collective action under Federal Rule of Civil Procedure 23(b)(3) and FLSA, Section § 216(b). (Dkt. No. 53.) The Court subsequently granted Plaintiffs' motion to compel Defendants to provide a copy of the class list so class notice could be provided. (Dkt. No. 60.) Defendants failed to comply with that order and defense counsel was subsequently relieved of representation. (Dkt. No. 61.) After Defendants failed to find new counsel, or appear pro se in the case of Ms. Schaffer, the Court entered Defendants' default. (Dkt. No. 68.)

The Court denied Plaintiffs' initial motion for default judgment based on concerns regarding how the action could be maintained as either a class or collective action. (Dkt. No 76.) Over a year and a half later, and after many Court orders, Plaintiffs filed an amended motion for default judgment. (Dkt. No. 105.) The amended motion for default judgment had several issues and the Court denied it without prejudice to renewal by February 16, 2024. (Dkt. No. 107.) To

1 date, Plaintiffs have not filed an amended motion for default judgment.

2 Plaintiffs are therefore ORDERED TO SHOW CAUSE as to why this action should not be
3 dismissed for failure to prosecute. **By March 15, 2024, Plaintiffs shall file a written response to**
4 **this Order to Show Cause accompanied by their amended motion for default judgment**
5 **addressing all the issues raised in the Court's prior Order.** Failure to respond to this Order
6 may result in the dismissal of this action for failure to prosecute. *See* Fed. R. Civ. Pro. 41(b).

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8 **IT IS SO ORDERED.**

9 Dated: February 26, 2024

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12 JACQUELINE SCOTT CORLEY
13 United States District Judge
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